

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**SEMAJ L. PAYTON,**

**Plaintiff,**

**CIVIL ACTION NO. 12-CV-11386**

**vs.**

**DISTRICT JUDGE MARK A. GOLDSMITH**

**CHARDONNAY DIALYSIS  
and LARRY MARSHALL,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendants.**

---

**ORDER GRANTING DEFENDANTS' MOTION TO COMPEL DISCOVERY**  
**(DOCKET NO. 11)**

This matter comes before the Court on Defendants' motion to compel Plaintiff's discovery responses. (Docket no. 11). No response has been filed and the time for responding has expired. All pretrial matters have been referred to the undersigned for action. (Docket no. 3). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(f). The matter is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Pro se Plaintiff Semaj Payton filed this action against Defendants Chardonmay Dialysis and Larry Marshall on December 12, 2011 in the Wayne County Circuit Court. She filed an amended complaint on February 9, 2012 with the Wayne County Circuit Court. Defendants contend that they were served with copies of the complaint and amended complaint on February 12, 2012 and March 1, 2012 respectively. On March 27, 2012 Defendants removed the lawsuit to this Court. The amended complaint alleges that Defendants retaliated against Plaintiff and created a hostile work environment based on sexual harassment in violation of Title VII of the Civil Rights Act, 42 U.S.C.

§ 2000e et seq., and the Michigan Elliott-Larsen Civil Rights Act, Mich. Comp. Laws § 37.2101 et seq.

Defendants show that they served their First Requests for Production of Documents and First Interrogatories to Plaintiff on August 31, 2012, seeking responses to eighteen interrogatories and ten document requests. (Docket no. 11). Defendants show that they mailed copies of the discovery requests to Plaintiff's address of record. Plaintiff's responses were due on or about September 30, 2012. *See* Fed.R.Civ.P. 33 and 34. Defendants state that Plaintiff has not served responses or objections to the discovery requests despite repeated efforts by Defendants to contact her. (Docket nos. 10, 11). Plaintiff has not filed a response to Defendants' motion to compel despite the fact that Defendants served a copy of the motion to Plaintiff at her address of record. The discovery deadline in this case was May 1, 2013.

Federal Rules of Civil Procedure 33 and 34 allow a party to serve interrogatories and requests for production of documents on an opposing party. Fed.R.Civ.P. 33, 34. A party receiving these types of discovery requests has thirty days to respond with written answers or objections. Fed.R.Civ.P. 33(b)(2), 34(b)(2)(A). If the receiving party fails to respond to interrogatories or requests for production, Rule 37 provides the party who sent the discovery the means to file a motion to compel. Fed.R.Civ.P. 37(a)(3)(B)(iii) and (iv). If a party fails to obey a court order compelling discovery, the court may issue further orders imposing sanctions against the disobedient party, which may include striking pleadings in whole or in part or dismissing the action or proceeding in whole or in part. Fed.R.Civ.P. 37(b)(2)(A).

The time for responding to the discovery requests has long since passed. Accordingly, the Court will grant Defendants' motion to compel and will order Plaintiff to respond to Defendants'

First Requests for Production of Documents and First Interrogatories without objections.

**IT IS THEREFORE ORDERED** that Defendants' motion to compel Plaintiff's discovery responses (docket no. 11) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff must respond fully and completely without objections to Defendants' First Requests for Production of Documents and First Interrogatories on or before November 4, 2013. **Any failure to abide by the requirements of this order may result in the imposition of sanctions, including dismissal of Plaintiff's claims.**

#### **NOTICE TO THE PARTIES**

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: October 21, 2013

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

#### **PROOF OF SERVICE**

I hereby certify that a copy of this Order was served upon Semaj L. Payton and Counsel of Record on this date.

Dated: October 21, 2013

s/ Lisa C. Bartlett  
Case Manager